

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LOUIS GARCIA,

Petitioner,

v.

No. 2:22-cv-00507-KWR-KK

HECTOR RIOS, *et al.*,

Respondents.

ORDER DENYING MOTIONS TO PROCEED IN FORMA PAUPERIS

THIS MATTER is before the Court on Petitioner's Motions to Proceed *In Forma Pauperis* (Docs. 3, 6) (IFP Motions). Petitioner is a state prisoner proceeding *pro se*. He seeks to prosecute his 28 U.S.C. § 2254 petition without prepaying the \$5.00 fee. *In forma pauperis* relief is only available where the petitioner's "affidavit [and] ... statement of ... assets [demonstrates he] ... is unable to pay such fees." 28 U.S.C. § 1915(a)(1). Petitioner does not qualify under that test. His financial statement reflects he receives over \$100 per month and has an account balance of \$375.17. *See* Doc. 6. The Court will deny the IFP Motions along with the Motion for Extension of Time to File Financial Statement (Doc. 5), which is now **MOOT**.

IT IS ORDERED that Petitioner's Motions to Proceed *in Forma Pauperis* (**Docs. 3, 6**) and Motion for Extension of Time to File Financial Statement (**Doc. 5**) are **DENIED**; and Petitioner **MUST PREPAY** the \$5.00 filing fee within thirty (30) days of entry of this Order. The failure to timely comply will result in dismissal of this case without further notice.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE